

Exhibit 1

Secretary of State Determination Of Validity of the People's Veto Petition

**STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE**

**DETERMINATION OF THE VALIDITY
OF A PETITION FOR PEOPLE'S VETO OF CHAPTER 539 OF THE PUBLIC
LAWS OF 2019 ENTITLED:**

“An Act To Implement Ranked-choice Voting for Presidential Primary
and General Elections in Maine”

1. On June 15, 2020, 9,482 petitions containing 72,512 signatures were submitted to the Secretary of State pursuant to the Constitution of Maine, Article IV, Part Third, Section 17 on behalf of the people's veto of the above-entitled legislation.
2. Following a review of these 9,482 petitions I find the following signatures to be invalid for the following reasons:
 - A. 3,543 signatures are invalid because they were not certified by the registrar as belonging to a registered voter in that municipality. (REG)
 - B. 2,638 signatures are invalid because they are duplicates of signatures already counted. (DUP)
 - C. 1,197 signatures are invalid because the petition was submitted to the municipal registrar for determination of whether the petitioners were qualified voters after the deadline set by the Maine Constitution, Article IV, Part Third, Section 20. (AMD)
 - D. 1,143 signatures are invalid because the circulator collected signatures prior to becoming registered to vote in the State of Maine. (CIRC)
 - E. 798 signatures are invalid because the circulator's oath was not complete or not administered properly. (OATH)
 - F. 637 signatures are invalid because the voter dated his or her signature after the date of the circulator's oath before the notary or the voter's signature was not dated and it could not be determined that the voter signed the petition before the circulator took the oath. (DATE)
 - G. 469 signatures are invalid because the circulator's oath was not completed prior to submitting the petition to the registrar for certification. (PRIOR)
 - H. 401 signatures are invalid because the circulator did not file a circulator's affidavit at the time the petitions were filed with the Secretary of State. (AFF)
 - I. 211 signatures are invalid because the voter's signature was crossed out on the petition form. (WD)
 - J. 66 signatures are invalid because the petitioner failed to provide a signature. (SIG)

K. 31 signatures are invalid because the petition was not on the approved form. (FORM)

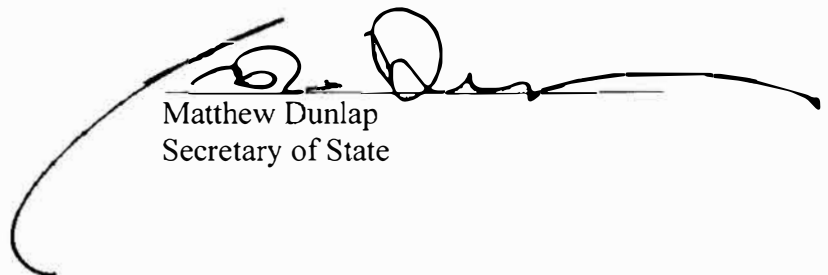
L. 28 signatures are invalid because the registered voter's signature was made by another. (ANO)

M. 13 signatures are invalid because of material alterations to the petition. (ALT)

N. 3 signatures are invalid because the certification of the registrar was not completed. (CERT)

3. For the reasons set forth above, on the 9,482 petition forms filed with the Secretary of State, I find that 11,178 signatures are invalid and 61,334 signatures are valid. The number of signatures required for a valid petition is 63,067. As petitioners have failed to submit a sufficient number of valid signatures, I find the petition to be invalid.

Dated: July 15, 2020



Matthew Dunlap
Secretary of State

OFFICE OF THE SECRETARY OF STATE
 AMENDED DETERMINATION
 OF THE VALIDITY OF A PETITION FOR A PEOPLE’S VETO OF

P.L. 2019, Chapter 539 “An Act to Implement Ranked-choice Voting for Presidential Primary
 and General Elections in Maine”

1. On August 3, 2020, the Superior Court remanded this matter to the Secretary of State for the purpose of taking additional evidence, pursuant to 5 M.R.S. § 11006(1)(B), and making further factual findings on a number of issues raised by the petitioners, David A. Jones, Jonathan Kinney and Joshua Morris in *Jones et al. v. Secretary of State*, Docket No. AP-20-0016, as well as by the Intervenors opposed to the people’s veto petition, Clare Hudson Payne, Philip Steele, Frances M. Babb, and The Committee for Ranked Choice Voting. Petitioners and Intervenors agreed to submit their evidence to the Secretary by 5:00 pm on August 5, 2020, and to submit any responsive evidence or argument for the Secretary’s consideration on remand by 5:00 pm on August 6, 2020.

2. Circulator’s status as a registered voter. The Constitution requires that the circulator of a petition “must be a resident of this State ... whose name must appear on the voting list of the city, town or plantation of the circulator’s residence as qualified to vote for Governor.” Me. Const. art. IV, pt. 3, § 20.

Petitioners submitted affidavits from three circulators, Michelle Casey-Riordan, Monica Paul, and Michael Patterson, whose petitions were invalidated in the initial determination on July 15, 2020 for “CIRC.” Each of these circulators attests to being an active voter, registered to vote in Maine. *See* Petitioners’ Exhibits (“Pet. Exs.”) 1-3. The affidavits do not establish that these individuals’ names appeared on the voting list of the city or town where they claim a voting residence. Petitioners also contend that circulators Jonathan Payeur and Mark Longworth were registered to vote before they gathered signatures on Petitions 1048, 1441, and 308, respectively. *See* Pet. 8/5/20 Ltr. at 1. Intervenors contend that signatures gathered by circulator, David Conley, should have been invalidated on the grounds that he allegedly was no longer living at the address in Saco where he is registered to vote. *See* Intervenor’s 8/5/20 letter at 11.

After reviewing all of the evidence, including voter records in the Central Voter Registration system (CVR) for these individuals, I find the following facts:

Michelle C. Riordan (formerly or sometimes listed as Michelle Casey-Riordan, Michelle Lyn Riordan or Michelle L.C. Riordan) (Pet. Ex. 1) changed her name and residence address on her driver’s license to 1 Collins Way in Dixfield, Maine on August 15, 2019. She did not register to vote in Dixfield until March 4, 2020 – one day after she collected signatures on petitions. At the time she collected signatures, therefore, her name did not appear on the voter list as a registered voter in Dixfield, and the signatures may not be counted as valid.

Monica Paul (Pet. Ex. 2) did not register to vote in Dixfield until June 10, 2020, after she collected signatures on these petitions. Accordingly, all of the petition signatures she collected

are invalid for CIRC, including an additional 34 signatures that were mistakenly counted as valid in the original determination.

Michael Patterson (Pet. Ex. 3) registered to vote for the first time in Old Orchard Beach, Maine on March 2, 2020; thus, the signatures he collected before that date are invalid, including three that were improperly counted as valid in the original determination.

Jonathan Payeur registered to vote in Biddeford on February 27, 2020, and collected two signatures on two separate petitions after that date (on March 14, 2020) on Petitions 1048 and 1441 that were erroneously invalidated in the original determination. Those two signatures are valid.

Mark Longworth registered to vote in Bethel on February 26, 2020, before he gathered signatures on Petition 308 on June 3-5, 2020. Those signatures were invalidated for CIRC in the original determination, which was an error. The signatures were not those of registered voters, however, and should have been invalidated for REG.

David Conley has been registered to vote at the same address in Saco, Maine since 2010. The Intervenor alleges that he is no longer living at that address, however, based in part on a telephone call to a family member, and certain other information connecting him to other addresses. (Int. 8/5/20 ltr at 11) The registrar of voters in Saco certified that Mr. Conley is registered to vote in Saco, and the registrar has the exclusive authority pursuant to 21-A M.R.S. § 121 to make that determination. Accordingly, the Secretary relies on that determination for purposes of reviewing a people's veto or initiative petition. Whether Mr. Conley in fact still has a fixed and principal home at the Saco address to which he intends to return, whenever temporarily absent, is an issue that may be presented to the municipal registrar in Saco for review, but it is not within the scope of the Secretary's review of this petition.

3. Circulators' oath not properly completed. The circulator must take and sign the oath required by the Constitution on each petition before a notary public or other person authorized by law to administer oaths, and the notary must sign the notarial certificate on the oath in the circulator's presence. *See* Me. Const. art. IV, pt. 3, § 20 and 21-A M.R.S. § 902. The date of the oath is extremely important to determining validity. If the oath is not properly completed, the signatures are invalidated for "OATH."

Petitioners submitted an affidavit from notary Kim Pettengill, attesting that she failed to mark the date of the circulator's oath on Petitions 702, 3973, 7754, and 9416, all of which were invalidated for "OATH" in the original determination. *See* Pet. Ex. 10, ¶¶ 6-9. Ms. Pettengill states that she knows the correct date based on her notary log; however, copies of that log were not provided, and she does not explain in her affidavit how she can be sure of the date on which she notarized the oaths of these particular circulators. Given the large number of petitions that she notarized – 1,412 – I am not persuaded by her affidavit in the absence of any corroborating evidence.

4. Circulators' oath not completed before registrar's certification. The oath of the circulator must be completed before the petition is submitted to the registrar for verification that

the individuals whose names appear on the petition are registered to vote in that municipality. If this has not occurred, the registrar “may not certify the petitions and is required only to return the petitions.” Me. Const. art. IV, pt. 3, § 20; 21-A M.R.S. § 902. The signatures on those petitions are invalidated for “PRIOR.”

a) Petitioners submitted an affidavit from notary Kim Pettengill, attesting that she inadvertently marked the wrong date of the circulator’s oath on Petitions 1124 and 4822. *See* Pet. Ex. 10, ¶¶ 4-5. Ms. Pettengill does not explain how she knows that the date of the circulator’s oath, recorded as May 11, 2020 on both petitions, should have been May 16 on one petition and May 20 on the other. Although she references her notary log, Petitioners did not provide copies of that log, and given the large number of petitions that this notary apparently notarized on several dates in May (including May 11), it is difficult to see how she could correlate these two petitions with a particular date. Accordingly, I am not persuaded to make any changes to the original determination regarding these petitions.

b) Petitioners submitted an affidavit from the Freeport town clerk (Pet. Ex. 9) indicating that she had mistakenly written the date March 5, 2020 as the date of the circulator’s oath on four petitions (Petitions 2909, 2910, 2911 and 2912) that she had certified on March 4, 2020. She claimed this was an error and that the oath should be dated March 4, 2020, which would be in compliance with 21-A M.R.S. § 902 and validate the signatures. Intervenors obtained copies of the petitions from the town office, however, showing that the circulator’s oath was blank on the copy that the town clerk had certified and dated March 4, 2020. *See* Int. Exs. A-L. When questioned about this by Deputy Secretary of State Julie Flynn of my office on August 11, 2020, the clerk explained the circumstances more fully and provided a written statement indicating that she did, in fact, certify the petitions on March 4 before the circulator took the oath (as shown on the town’s copy of the petition), and did not administer the oath to the circulator until the next day, March 5, 2020.

It was a violation of section 902 for the clerk to certify signatures on petitions before the circulator’s oath was completed. I find, therefore, that the signatures on these petitions were properly invalidated in the original determination for PRIOR. There are 39 signatures on Petition 2908 that were not invalidated for PRIOR in the original determination but should have been.

c) Intervenors identified a number of petitions from other municipalities which they contend prove other registrars certified signatures on petitions before the circulator took an oath in violation of 21-A M.R.S. § 902. *See* Intervenor’s letter to the Secretary, dated August 5, 2020, at 1-5 and Intervenors’ Exhibits A-L. Our office reviewed each of the petitions, however, and found that the registrars copied the petitions after they performed the registrar’s certification but before the circulator took an oath. In all but one instance, the registrar administered the oath on the same day as the certification -- just not in the right sequence. The registrar in Boothbay explained that she actually administered the oath to the circulator on March 31, 2020 (as noted in her log), but marked the wrong date of March 30 on the petition. This means that she also performed both tasks on the same day. In the case of South Portland and Scarborough, the petitions were submitted to the towns and certified by registrars before the circulators took the oath, but the registrars re-certified those petitions when they were re-submitted later, after the

circulators had taken the oath. This cured the violation, which means the signatures may be counted as valid.

5. Circulator affidavit. Each circulator must execute an affidavit containing certain information as outlined in Title 21-A section 903-A(4), and “shall file the affidavit with the Secretary of State at the time the petition is filed.” Certain petition signatures were invalidated in the original determination as “AFF” because no circulator affidavit had been filed. Petitioners apparently discovered one additional affidavit for a circulator (named Kathryn A. Duguay) after the original determination was issued and submitted it to our office on remand. *See* Pet. 8/5/20 ltr at 5, ¶ K. Since this was not filed on time in accordance with the statute and the deadline specified in the Constitution for a people’s veto petition, however, we cannot accept it.

6. Petitions submitted to registrar after deadline. The Constitution requires that people’s veto petitions be delivered to local election officials for certification no later than 5:00 pm on the 5th day before the deadline for filing the petition with the Secretary. For this petition, that date was June 10, 2020, and petitions certified after that date were invalidated for AMD (“after municipal deadline”).

a) Petitioners submitted an affidavit from the Town Clerk in Richmond (Pet. Ex. 5) who explained that she certified petitions on June 9, 2020, and noted that in her notary log, but she mistakenly wrote “June 29, 2020” in the registrar’s certification block of the petitions. Her petition log shows that the certified petitions were picked up by the people’s veto campaign on June 9, 2020. Accordingly, I find that 16 signatures on these petitions that were invalidated for “AMD” in the original determination should be counted as valid.

b) Petitioners submitted an affidavit from the Deputy Clerk for the Town of Turner (Pet. Ex. 4) stating that she believes she erroneously stamped a significant number of petitions as having been received in the town office on June 11 or June 12, 2020. She recalls receiving a large number of people’s veto petitions in the mail on June 10, 2020, and believes that these petitions were in that group. Our office attempted to follow up with her to ask further questions, but were unsuccessful. We did, however, obtain copies of the town’s petition log, which reflects receipt of petitions on June 9, June 11 and June 12, but none on June 10, 2020. In the absence of corroborating evidence, I am not persuaded by the Deputy Clerk’s affidavit, and find that the signatures on these petitions must still be invalidated for submission after the municipal deadline (AMD). Of the 841 signatures at issue, 32 are invalid for other reasons as well but were only discounted in the original determination for AMD.

c) Petitioners submitted sworn statements of several individuals (*see* Pet. Exs. 6-8) who attest that they delivered the petitions to certain towns on or before June 10, 2020, and that those petitions should be deemed valid. Intervenor identified a number of petitions that they assert were submitted to the towns after June 10, 2020, and should not have been counted as valid. *See* Int. 8/5/20 ltr. at 6-11.

Mitchell Drew (Pet. Ex. 6) states that he delivered Petitions 4074 and 4075 to the Kennebunk town office on June 10, 2020. However, the circulators’ oath on both of those petitions is dated June 11, 2020, and the petitions were certified by the registrar on that date as

well. This suggests that the petitions were not received by the town until June 11, 2020. If they were delivered on June 10, as Mr. Drew attests, however, then the petitions would have to be invalidated for PRIOR.

Thomas Young (Pet. Ex. 7) states that he delivered Petitions 5589, 5592 and 5593 to the Town of New Vineyard on June 9, 2020, and Petition 7922 to the Town of Strong on June 8, 2020. My office was unable to reach the municipal officials in those towns to check their petition logs. The town officials noted the date of receipt as June 11, 2020, and the circulator's oath was administered on that date as well. Again, even if, as Mr. Young attests, the petitions were submitted to the towns on the earlier dates, if the circulator's oath was missing before June 11, then the town could not certify the petition.

Christopher Cody Brassard (Pet. Ex. 8) states that he delivered Petition 2118 to the Town of Dayton on June 10, 2020, but the circulator's oath is dated June 11, 2020. He states that he delivered Petition 7535 to the Town of Shapleigh on June 8, 2020, but that petition is from the town of Sherman, not Shapleigh.

Based on review of these affidavits, therefore, I find that Petitioners have failed to establish grounds for revising the original determination with respect to these petitions.

d) Intervenor identified 39 petitions that they allege were submitted to various towns after the municipal deadline. The details are set forth in the Intervenor's letter of August 5, 2020, at pages 6-11. A further review of these petitions by our office reveals that all but one of the petitions listed should have been invalidated for AMD. Petition 782 from Benton is valid because the municipality recorded the received date as June 8, 2020 on the petition, which was before the municipal deadline.

7. Dates of voter signatures. Petitioners identify several voter signatures that they believe were erroneously invalidated based on a date issue. *See* Pet. 8/5/20 ltr at 4, ¶ G. Upon further review of the petitions, we determined that 9 of the signature dates on Petitions 292, 398, 399, 5426 and 6731 were in fact made on or before the date of the circulator's oath before the notary, and thus should not have been invalidated for DATE.

8. Notary qualifications. Pursuant to 21-A M.R.S. § 903-E and 4 M.R.S. § 954-A, a notary is not qualified to administer oaths to circulators if that notary is providing any services, regardless of compensation, to initiate the people's veto referendum, or providing services other than notarial acts to promote the people's veto referendum for which the petition is being circulated.

a) Petitioners assert that our office inadvertently invalidated Petitions 693, 6703, 7458, and 7997 for OATH, because that conclusion is not reflected in the Secretary's certification block on the petitions but is only recorded on the Master List of Petitions. *See* Pet. 8/5/20 ltr to SOS at 4, ¶ F. The signatures on these petitions are invalid because the notary who administered the oath to the circulator, Deborah Riley, was also performing services as a circulator of the people's veto petition and was therefore not qualified to administer the oath.

b) Intervenor's allege the following conflicts of interest that they believe disqualify certain notaries from administering the oaths to circulators of these petitions. *See* Int. 8/5/20 ltr at 12-13.

1) Six notaries are listed as members of the Republican Party State Committee on the Committee's web site. Intervenor's allege that because the Maine Republican Party is funding the ballot question committee (BQC) that is supporting the people's veto campaign, and because the members of the State Committee have to approve the Party's budget, these individuals must have played a role in funding the campaign, thereby engaging in non-notarial services to initiate or promote the people's veto referendum. Petitioners' letter of August 6, 2020, and the Affidavits of Jason Savage and Demitroula Kouzounas, dated August 6, 2020 (Exs. A & B to Pet. Response), effectively refute the Intervenor's claim. Both party officials attest that the Party's budget does not include expenditures for the BQC and that, as reflected in the minutes of their meetings, the State Committee took no official action with respect to the BQC.

2) One of the committee members, Kim Pettengill, was apparently reimbursed for postage and office supplies on two occasions, as shown in campaign finance reports filed by the BQC. In his affidavit of August 6, 2002, Jason Savage acknowledges that these expenses involved "errands of convenience" to the Post Office, copy shop, etc. that were related to the work of the BQC. I nonetheless find that these errands constitute de minimis activity that did not disqualify Ms. Pettengill from administering oaths to circulators of these petitions.

3) There were two paid staff members of the Maine Republican State Party who notarized certain petitions identified by the Intervenor's. Michelle Dale notarized signatures on six petitions, but all were completed before she was hired by the Party, as confirmed by Jason Savage's affidavit. When Benjamin Hitcher notarized one circulator's oath, however, he was serving as the Deputy State Director of the Party and was being paid expenses for travel on behalf of the BQC. It appears, therefore, that he was disqualified from serving as a notary, and the one signature on the petition he notarized is therefore invalid.

4) Finally, Intervenor's suggest that notary Shawn Osgood is disqualified by conflict of interest because her sister, Tracy Plaisted, was paid by the BQC as a petition organizer. As Petitioners point out in their reply, however, the notary conflict statute (4 M.R.S. § 954-A) precludes a notary from performing notarial acts for a person who is the notary's sibling, but there is no allegation that Ms. Osgood notarized any petitions for or on behalf of Tracy Plaisted. I find no factual basis to disqualify Ms. Osgood as a notary.

9. Clerks and registrars serving as notaries. Intervenor's submitted a list of clerks and registrars who also administered oaths to circulators of petitions. *See* Int. 8/5/20 ltr. at 14-19. Intervenor's assert that this presents a conflict of interest and that a registrar certifying petitions may not also administer the circulator's oath on the same petitions. I find no provision in the Constitution or in statute that precludes a municipal official from serving as a notary to

administer the circulator's oath while also certifying the voters' signatures on that circulator's petition(s). Title 21-A section 504 is inapplicable here.

10. Unregistered voters. Petitioners have identified a number of signatures on various petitions that were not rejected as unregistered voters by the local registrar or clerk, and yet were invalidated in the original determination. *See* Pet. 8/5/20 ltr at 3, ¶ D; Pet. Ex. 11. The first three examples listed in Exhibit 11 are from petitions circulated in only one municipality. On one of these petitions (7175), the Registrar did not check off the signature as being valid but did account for it in the certification of valid signatures. Accordingly, I find that this signature should be counted as valid. The remaining examples are from petitions that contain signatures from multiple municipalities (designated as "multi-petitions") and with the exception of one of these signatures, the petition was not submitted to the municipality for certification. The single exception is for a signature on Petition 9466, which was signed by a voter in Connor Township, and certified by the Registrar in Caribou (where Connor Township voters are registered) as being registered. That signature was erroneously invalidated in the original determination and should be counted as valid.

11. Tabulation errors. Petitioners identified a number of petitions where they contend our office made errors in tabulating the total number of valid and invalid signatures. *See* Pet. 8/5/20 ltr at 3, ¶ E. Based on further review of each of those petitions, I find that 79 signatures were not included in the count of valid signatures and one signature was erroneously counted as invalid in the original determination and should be deemed valid.

12. Voter signatures. Petitioners contend that one voter signature was erroneously invalidated for SIG due to the use of a signature stamp instead of an original signature, because the voters authorized this method by approving a constitutional amendment in 2019. Although the voters did approve a constitutional amendment in November 2019, the amendment authorized the Legislature to expand the scope of the election law to include the use of the alternate method for signing citizen's initiatives or people's veto petitions or adopt a different alternative method of signing these petitions, the Legislature has not yet enacted such a law. Accordingly, this signature cannot be counted as valid.

13. Petitions not submitted to the SOS until after deadline. Petitioners claim, based on an affidavit of Jason Savage, Executive Director of the Maine Republican Party, (Pet. Ex. 13) that Mr. Savage had in his possession on June 15, 2020, a number of petitions that were ready to submit to our office. *See* Pet. 8/5/20 ltr at 5, ¶ J. Mr. Savage claims that Deputy Secretary of State Julie Flynn "instructed him to keep them in reserve in case the additional signatures were needed to meet the minimum number required." Ms. Flynn does not recall this conversation in this way and is confident that she would not have made such a statement. She understood Mr. Savage to be referring to petitions that he had not yet received from certain town offices and did not yet have in his possession on the afternoon of June 15, 2020. Since he was still expecting to receive more petitions, Ms. Flynn advised him to keep any that he did receive in case Petitioners wished to argue later that they should be able to submit them. Petitioners made no such argument but simply attempted to deliver the petitions to our office on August 5, 2020 for review. The deadline for submitting a people's veto petition is set forth in the Constitution, and our office has no authority to grant or agree to any extension of that deadline. Because these

petitions were not submitted to our office by the constitutional deadline, we cannot accept them now and have not reviewed them.

After review of the 9,482 petitions and consideration of all the evidence in the record on remand,¹ based on the findings set forth above, I find the following signatures to be invalid for the following reasons:

- A. 3,544 signatures are invalid because they were not certified by the registrar as belonging to a registered voter in that municipality. (REG)
- B. 2,644 signatures are invalid because they are duplicates of signatures already counted. (DUP)
- C. 1,248 signatures are invalid because the petition was submitted to the municipal registrar for determination of whether the petitioners were qualified voters after the deadline set by the Maine Constitution, Article IV, Part Third, Section 20. (AMD)
- D. 1,175 signatures are invalid because the circulator collected signatures prior to becoming registered to vote in the State of Maine. (CIRC)
- E. 799 signatures are invalid because the circulator's oath was not complete or not administered properly. (OATH)
- F. 628 signatures are invalid because the voter dated his or her signature after the date of the circulator's oath before the notary or the voter's signature was not dated and it could not be determined that the voter signed the petition before the circulator took the oath. (DATE)
- G. 508 signatures are invalid because the circulator's oath was not completed prior to submitting the petition to the registrar for certification. (PRIOR)
- H. 401 signatures are invalid because the circulator did not file a circulator's affidavit at the time the petitions were filed with the Secretary of State. (AFF)
- I. 211 signatures are invalid because the voter's signature was crossed out on the petition form. (WD)
- J. 66 signatures are invalid because the petitioner failed to provide a signature. (SIG)
- K. 31 signatures are invalid because the petition was not on the approved form. (FORM)
- L. 28 signatures are invalid because the registered voter's signature was made by another. (ANO)

¹ Petitioners argue that the signatures invalidated for material alterations ("ALT") should be deemed valid because the alterations are not material in their view. *See* Pet. 8/5/20 ltr at 5, ¶ I. This is purely argument, which involves no new evidence. Accordingly, I make no additional factual findings and affirm the original determination with respect to these petition signatures.

M. 13 signatures are invalid because of material alterations to the petition. (ALT)

N. 3 signatures are invalid because the certification of the registrar was not completed. (CERT)

O. 79 valid signatures were added to the total signatures due to corrections of tabulation errors.

14. For the reasons set forth above, on the 9,482 petition forms filed with the Secretary of State, I find that 11,299 signatures are invalid and 61,292 signatures are valid. The number of signatures required for a valid petition is 63,067. As petitioners have failed to submit a sufficient number of valid signatures, I find the petition to be invalid.

Dated: August 12, 2020



Matthew Dunlap
Secretary of State

OFFICE OF THE SECRETARY OF STATE
SUPPLEMENT TO AMENDED DETERMINATION
OF THE VALIDITY OF A PETITION FOR A PEOPLE'S VETO OF

P.L. 2019, Chapter 539 "An Act to Implement Ranked-choice Voting for Presidential Primary
and General Elections in Maine"

Pursuant to the Court's remand order of August 21, 2020, in *Jones v. Secretary of State Matthew Dunlap*, Docket No. AP-20-16, our office conducted further investigation into the circumstances surrounding the petitions that were certified by the Deputy Clerk of the Town of Turner on June 10-12, 2020. Based on that further inquiry, I make the following findings of fact, to supplement the findings in paragraph 6(b) of the Amended Determination:

The Deputy Clerk for the Town of Turner confirmed in a direct conversation with Deputy Secretary of State Julie Flynn on Friday afternoon, August 21, 2020, that she never date-stamped petitions when they were received in the town office, as indicated on the petition form, but instead stamped the date and time when she certified each petition and reflected that as the date of receipt as well. The petitions that she certified on June 10, 2020, were received by the town prior to that day, and the time stamps on those petitions reflect the different times of day when she actually reviewed the voter names and certified each petition. She recalls with certainty that the petitions she certified on June 11 and 12, 2020, were in fact received by the town on June 10, 2020. As corroborating evidence, she notes that the time-stamps reflect that she certified these petitions before the town would have received any mail delivery on those days.

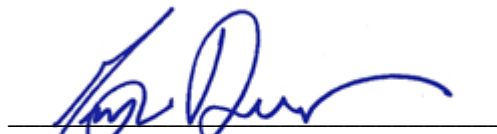
Accordingly, the 809 signatures on petitions certified by the Town of Turner that were previously invalidated as having been received after the municipal deadline set forth in the Maine Constitution should be counted as valid, and paragraph 13 (C) of the Amended Determination, issued on August 12, 2020, is corrected to read as follows:

- C. ~~1,248~~ 439 signatures are invalid because the petition was submitted to the municipal registrar for determination of whether the petitioners were qualified voters after the deadline set by the Maine Constitution, Article IV, Part Third, Section 20. (AMD)

The concluding paragraph of the Amended Determination, issued on August 12, 2020, is corrected to read as follows:

14. For the reasons set forth above, on the 9,482 petition forms filed with the Secretary of State, I find that ~~11,299~~ 10,490 signatures are invalid and ~~61,292~~ 62,101 signatures are valid. The number of signatures required for a valid petition is 63,067. As petitioners have failed to submit a sufficient number of valid signatures, I find the petition to be invalid.

Dated: August 24, 2020



Matthew Dunlap
Secretary of State